

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

THEODORE PRICE,

Plaintiff,

-v-

9:12-CV-1546

SUPERINTENDENT, Great Meadow
Correctional Facility

Defendant.

APPEARANCES:

OF COUNSEL:

THEODORE PRICE
Plaintiff pro se
11-B-2790
Great Meadow Correctional Facility
Box 51
Comstock, NY 12821

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PAUL B. LYONS, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Petitioner Theodore Price brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On August 22, 2013, the Honorable Andrew T. Baxter, United States Magistrate Judge, advised, by Report-Recommendation, that the petition be denied and dismissed. Petitioner timely filed objections to the Report-Recommendation.

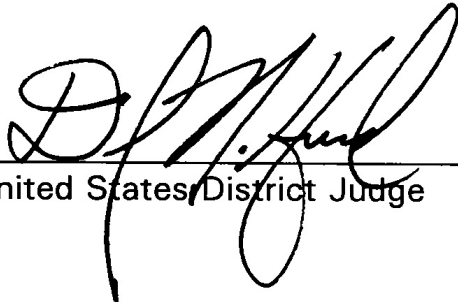
Based upon a de novo determination of the portions of the Report-Recommendation to which petitioner objected, the Report-Recommendation is adopted in whole. See 28 U.S.C. § 636(b)(1); Rule 10, Rules Governing Section 2254 Cases.

Therefore, it is

ORDERED that the petition for a writ of habeas corpus is DENIED and DISMISSED.

Because petitioner has not made a substantial showing of the denial of any constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253.

IT IS SO ORDERED.


United States District Judge

Dated: September 19, 2013
Utica, New York.